the President of the United States after his first conviction. He was subsequently convicted of another felony, and sentenced to increased punishment under the statute. *Held*, that no rights of the defendant under the Constitution of the United States are infringed. *Carlesi* v. *New York* (Supreme Court of the United States, April 6, 1914).

Having in earlier decisions squarely held that the increased penalty is in no sense a punishment for the prior crime, the United States Supreme Court seems clearly right in deciding that the defendant was not put twice in jeopardy for the same offense or deprived of any other right under the Federal Constitution. *McDonald* v. *Massachusetts*, 180 U. S. 311; *Graham* v. *West Virginia*, 224 U. S. 616. The Supreme Court properly refused to review the question as to the construction of the state statute. For a discussion of the question whether the state statute providing an increased penalty ought to be construed to cover the situation in the principal case, see 26 HARV. L. REV. 644 (on the same case in the lower court).

PUBLIC SERVICE COMPANIES — VALUATION FOR RATE PURPOSES — "GOING VALUE" AS PART OF PRESENT VALUE.— In a proceeding before the commission to fix the relator's rates, the question arose whether, in estimating the present value of the relator's property, an allowance should be made for going value. *Held*, that such an allowance must be made. *People ex rel. Kings County Lighting Company* v. *Willcox*, 104 N. E. 911 (N. Y.).

The principal case is an important addition to the law on going value for rate purposes, a subject upon which there has been considerable confusion. See NOTES, p. 744.

SPECIFIC PERFORMANCE — DEFENSES — EFFECT OF THE PRESUMPTION OF DEATH UPON MARKETABILITY OF TITLE. — In a suit for specific performance, the marketability of the vendor's title was attacked on the ground that there was a possibility of a curtesy interest in one who, if living, would be seventy-two years of age, but who had twenty-five years previously left home for the West. At the time he had been in good health and on good terms with his family and corresponded with them for two years after his departure, but then without explanation, communications from him suddenly stopped. All efforts to locate him had failed. *Held*, that specific performance will not be granted. *Cerf* v. *Diener*, 210 N. Y. 156, 104 N. E. 126.

Where one has been absent from home for seven years without being heard from, a presumption arises that the absentee is dead. *Stockbridge, Petitioner*, 145 Mass. 517, 14 N. E. 928; *In re Truman*, 27 R. I. 209, 61 Atl. 598. But this presumption is always rebuttable. *Flynn* v. *Coffee*, 12 Allen (Mass.) 133; *Policemen's Benevolent Ass'n* v. *Ryce*, 213 Ill. 9, 72 N. E. 764. Accordingly, the rule would not aid in deciding the marketability of a given title. *Chew* v. *Tome*, 93 Md. 244, 48 Atl. 701. See 21 HARV. L. REV. 374. For the commonly accepted principle is that if competent persons would have reasonable doubt concerning the vendor's title, a purchaser will not be compelled to accept a conveyance. *Pyrke* v. *Waddington*, 10 Hare 1; *Close* v. *Stuyvesant*, 132 Ill. 607, 24 N. E. 868; *Vought* v. *Williams*, 120 N. Y. 253, 24 N. E. 195. And such reasonable doubt might exist in spite of the effect upon other issues of the presumption raised by the length and circumstances of absence. Decisions tend to recognize this. If, as in the principal case, the only evidence be unexplained absence, and the age of the absentee, if living, would not be beyond belief, the vendor cannot have specific performance. *Vought* v. *Williams*, *supra*; *Chew* v. *Tome*, *supra*. If, however, there be corroborative evidence, such as illness or exposure to danger, or the age of the absentee would be beyond belief, the title may be marketable. *Cambrelleng* v. *Purton*, 125 N. Y. 610, 26 N. E. 907; *McComb* v. *Wright*, 5 Johns. (N. Y.) 263.